

REMARKS

Claims 25 and 36 were objected to for informalities.

Claims 22, 26 and 33 were rejected under 35 U.S.C. §102(b) as being anticipated by Bussey, III et al., U.S. Patent No. 6,418,827. Claims 22, 26, 28, 30, 33 and 36 were rejected under 35 U.S.C. §102(b) as being anticipated by Wolfberg et al., U.S. Patent No. 3,866,497.

Claims 22, 26, 28 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown, U.S. Patent No. 2,951,410, in view of Jespersen, U.S. Patent No. 4,142,431. Claims 22, 26, 28, 30, 33 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus, U.S. Patent No. 3,921,481, in view of Wolfberg et al., U.S. Patent No. 3,866,497. Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bussey, III et al., U.S. Patent No. 6,418,827, in view of Henc, U.S. Patent No. 3,119,312, or Sauer, U.S. Patent No. 3,522,762.

Claims 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wolfberg et al., U.S. Patent No. 3,866,497, in view of Henc, U.S. Patent No. 3,119,312, or Sauer, U.S. Patent No. 3,522,762. Claims 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown, U.S. Patent No. 2,951,410, in view of Jespersen, U.S. Patent No. 4,142,431, and further in view of Henc, U.S. Patent No. 3,119,312, or Sauer, U.S. Patent No. 3,522,762. Claims 23, 27, 29, 34, 37 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus, U.S. Patent No. 3,921,481, in view of Wolfberg et al., U.S. Patent No. 3,866,497, and further in view of Brown, U.S. Patent No. 2,951,410. Claims 24, 25, 35 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus, U.S. Patent No. 3,921,481, in view of Wolfberg et al., U.S. Patent No. 3,866,497, and further in view of Kirkpatrick, Jr. et al., U.S. Patent No. 6,435,069. Claims 23, 24, 27, 29, 34, 35 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown, U.S. Patent No. 2,951,410, in view of Jespersen, U.S. Patent No. 4,142,431, and further in view of Irsik, U.S. Patent No. 5,967,512.

Claims 25 and 36 have been amended.

Reconsideration of the application is respectfully requested.

Claim Objections

Claims 25 and 36 were objected to for informalities. Claims 25 and 36 have been amended. Withdrawal of the objections to claims 25 and 36 is respectfully requested.

35 U.S.C. 102(b) Rejections

Claims 22, 26 and 33 were rejected under 35 U.S.C. §102(b) as being anticipated by Bussey, III et al., U.S. Patent No. 6,418,827.

Bussey, III et al. discloses a “perforator roll 51 opposite the brush roll 45 for imparting at least a transversely disposed line of perforations in the web 15 passing between the rolls 45, 51 with the brush roll in the raised position.” See col. 5, lines 47 to 52. “The brush roll 45 may be formed of a plurality of upstanding filaments so as to provide a suitable surface for gently supporting the traveling web 15 and for rotating therewith.” See col. 5, lines 43 to 46.

Claim 22 recites a cutting and nipping device for cutting and nipping a web, comprising:
a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and
a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;
the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade,
the first blade edges extending radially beyond the first cutting cylinder nipping surface when the first blade edges are apart from the first anvil cylinder.

Claim 33 recites a cutter for a web printing press, comprising:
a first cutting and nipping device for partially cutting and nipping a web, the first cutting and nipping device having:

a first cutting cylinder, the first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and

a first anvil cylinder, the first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;
the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for web about the first segmented cutting blade.

Bussey, III et al. does not show or teach "a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder." The brush roll in Bussey, III et al. is not an anvil cylinder. Furthermore, neither the brush roll nor the filaments of the brush roll include a "first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder." The brush roll is not an anvil cylinder and the filaments do not form a nipping surface extending circumferentially about the first anvil cylinder.

Withdrawal of the rejections to the claims under 35 U.S.C. §102(b) is respectfully requested.

With further respect to claim 26, claim 26 recites "the first cutting cylinder includes a two-part metallic hub." Bussey, III et al. discloses a perforator roll. There is no disclosure of a two-part metallic hub, nor is there any disclosure that a hub is metallic.

Withdrawal of the rejections to the claims under 35 U.S.C. §102(b) is respectfully requested.

Claims 22, 26, 28, 30, 33 and 36 were rejected under 35 U.S.C. §102(b) as being anticipated by Wolfberg et al., U.S. Patent No. 3,866,497.

Claims 22 and 33 are recited above.

Claims 22 and 33 have every limitation that was before the Board and were allowed. Claims 22 and 33 were fully argued and everyone up to this stage, including the Board, the Applicant and the previous Examiner have agreed on the definition of nip. (See last Office Action of May 15, 2006, paragraph 1). To require new claim language after having given a final rejection is unfair and prejudicial. Claims 22 and 33 are patentable over Wolfberg et al. and the Patent Office is estopped from giving new arguments at this stage. See MPEP 1214.04.

In addition, Wolfberg et al. does not disclose a nipping surface as claimed.

Withdrawal of the rejections to the claims under 35 U.S.C. §102(b) is respectfully requested.

35 U.S.C. 103(a) Rejections

Claims 22, 26, 28 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown, U.S. Patent No. 2,951,410, in view of Jespersen, U.S. Patent No. 4,142,431.

Brown discloses a tape cutter for cutting chaff tape and the like into predetermined lengths for uninterrupted disposal thereof. As shown in Fig. 5 of Brown, the tape is completely cut.

Jespersen discloses a dispenser for flexible sheet material such as paper toweling.

Claim 22 recites a cutting and nipping device for cutting and nipping a web, comprising:
a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and
a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;

the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade,

the first blade edges extending radially beyond the first cutting cylinder nipping surface when the first blade edges are apart from the first anvil cylinder.

Claim 33 recites a similar limitation, “a first cutting cylinder, the first cutting cylinder having a first segmented cutting blade.”

Neither Brown nor Jespersen disclose “a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides.” In Brown, the tape is completely cut. There is no reason to have a “segmented cutting blade” and there is no reason to perforate the tape. Jespersen discloses a paper towel dispenser. There also is no reason to modify Brown with Jespersen.

Claims 22, 26, 28, 30, 33 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus, U.S. Patent No. 3,921,481, in view of Wolfberg et al., U.S. Patent No. 3,866,497.

Marcus discloses a cutting cylinder 14 and a rubber cheeks 40, 46. The folding and cutting cylinders are rotated in unison and web 52 is passed therebetween and forced into the cutting knife which cuts the web. The paper compresses the extensions of the cheeks.

Wolfberg et al. is discussed above.

Claim 22 recites a cutting and nipping device for cutting and nipping a web, comprising:
a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and

a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;

the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade,

the first blade edges extending radially beyond the first cutting cylinder nipping surface when the first blade edges are apart from the first anvil cylinder.

Claim 33 recites similar limitations, “the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for web about the first segmented cutting blade” and “a first cutting cylinder nipping surface extending circumferentially.”

Marcus does not show “the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade.” The cutting cylinder does not have a nipping surface. The cheeks in Marcus are not the cutting cylinder and do not extend “circumferentially about the first cutting cylinder.”

Furthermore, Marcus does not show a “first segmented cutting blade” nor is there any reason to perforate in this embodiment. Nor does Wolfberg et al. provide any teaching to modify Marcus.

With further respect to claim 36, claim 36 as amended recites a second cutting and nipping device for cutting and nipping the web, the second cutting and nipping device having:

a second cutting cylinder, the a second cutting cylinder having a second segmented cutting blade with axially spaced second blade edges and a second cutting cylinder nipping surface extending circumferentially about the second cutting cylinder from the second blade edges; and

a second anvil cylinder, the second anvil cylinder having a second anvil cylinder nipping surface extending circumferentially about the second anvil cylinder; the second cutting cylinder nipping surface and the second anvil cylinder nipping surface providing a second nip for the web about the second segmented cutting blade.

Marcus does not show a second cutting cylinder or a second anvil cylinder. Nor is there any reason to so modify Marcus with Wolfberg et al.

Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bussey, III et al., U.S. Patent No. 6,418,827, in view of Henc, U.S. Patent No. 3,119,312, or Sauer, U.S. Patent No. 3,522,762.

Bussey, III et al. is discussed above.

Henc discloses a die cutting apparatus for cutting, scoring or blanking stock material.

Sauer discloses a rotary anvil structure which includes two rotary slot anvils 12 having resilient covers 13 and two intermediate rotary anvils 14 having resilient covers 15.

There is absolutely no reason to combine the perforator roll in Bussey, III et al. with the die cutting apparatus in Henc or rotary die cutter in Sauer.

Claims 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wolfberg et al., U.S. Patent No. 3,866,497, in view of Henc, U.S. Patent No. 3,119,312, or Sauer, U.S. Patent No. 3,522,762. All of the references are discussed above.

There is absolutely no reason to combine Wolfberg et al. with the die cutting apparatus in Henc or rotary die cutter in Sauer.

Claims 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown, U.S. Patent No. 2,951,410, in view of Jespersen, U.S. Patent No. 4,142,431, and further in view of Henc, U.S. Patent No. 3,119,312, or Sauer, U.S. Patent No. 3,522,762. All of the references are discussed above.

There is absolutely no reason to combine Brown and Jespersen with the die cutting apparatus in Henc or rotary die cutter in Sauer.

Claims 23, 27, 29, 34, 37 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus, U.S. Patent No. 3,921,481, in view of Wolfberg et al., U.S. Patent No. 3,866,497, and further in view of Brown, U.S. Patent No. 2,951,410.

All of the references are discussed above.

Claim 40 recites a cutting and nipping device for cutting and nipping a web, comprising:
a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and

a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;

the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for the web about the first segmented cutting blade, the first cutting cylinder nipping surface being urethane.

There is absolutely no reason to combine the references.

Claims 24, 25, 35 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus, U.S. Patent No. 3,921,481, in view of Wolfberg et al., U.S. Patent No. 3,866,497, and further in view of Kirkpatrick, Jr. et al., U.S. Patent 6,435,069.

Marcus and Wolfberg et al. are discussed above.

Kirkpatrick, Jr. et al. discloses cutting covers, locking mechanism for such covers, and methods for making a cutter cover.

There is absolutely no reason to combine the references.

Claims 23, 24, 27, 29, 34, 35 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown, U.S. Patent No. 2,951,410, in view of Jespersen, U.S. Patent No. 4,142,431, and further in view of Irsik, U.S. Patent No. 5,967,512.

Brown and Jespersen are discussed above.

Irsik discloses a nip roller adjustment assembly includes a support assembly suspended on a frame for accurately, precisely and easily adjusting one nip roller with respect to the other nip roller.

There is absolutely no reason to combine the references.

In view of the comments above with respect to claims 22, 33 and 40, withdrawal of the rejections to the dependent claims is respectfully requested.

Furthermore, in view of the comments above with respect to Wolfberg et al., withdrawal of the rejections to the claims is respectfully requested.

Withdrawal of the rejections to the claims under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,
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